

“(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—

“(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), no funds authorized to be appropriated by this Act [see Tables for classification] or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the replacement project by December 31, 2026, as required by section 4215(e) of the Atomic Energy Defense Act [50 U.S.C. 2535(e)], as added by subsection (a).

“(2) USE OF FUNDS FOR MODULAR BUILDING STRATEGY.—The Administrator for Nuclear Security may obligate and expend funds referred to in paragraph (1) for activities relating to a modular building strategy on and after the date that is 60 days after the date on which the Nuclear Weapons Council established under section 179 of title 10, United States Code, notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] that—

“(A) the modular building strategy—

“(i) meets requirements for maintaining the nuclear weapons stockpile over a 30-year period;

“(ii) meets requirements for implementation of a responsive infrastructure, including meeting plutonium pit production requirements; and

“(iii) will achieve full operating capability for not less than two modular structures by not later than 2027;

“(B) in fiscal year 2015, the National Nuclear Security Administration will begin the process of designing and building modular buildings in accordance with Department of Energy Order 413.3 (relating to relating to program management and project management for the acquisition of capital assets); and

“(C) the Administrator will include the costs of the modular building strategy in the estimated expenditures and proposed appropriations reflected in the future-years nuclear security program submitted under section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(3) MODULAR BUILDING STRATEGY DEFINED.—In this subsection, the term ‘modular building strategy’ means an alternative strategy to the replacement project that consists of repurposing existing facilities and constructing a series of modular structures, each of which is fully useable, to complement the function of the plutonium facility (PF-4) at Los Alamos National Laboratory, New Mexico, in accordance with all applicable safety and security standards of the Department of Energy.

“(d) NAVAL REACTOR STUDY.—

“(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the replacement project, including an analysis of the cost, benefits, and risks with respect to nuclear safety.

“(2) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act [Jan. 2, 2013], the Deputy Administrator shall submit to the congressional defense committees a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the replacement project.

“(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the replacement project, the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

“(4) FUNDING.—The Secretary of Energy and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act [see Tables for classification] or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

“(e) REPLACEMENT PROJECT DEFINED.—In this section [enacting this section and this note], the term ‘replacement project’ means the replacement project for the Chemistry and Metallurgy Research Building authorized by section 4215 of the Atomic Energy Defense Act [former 50 U.S.C. 2535], as added by subsection (a).”

§ 2536. Repealed. Pub. L. 118–159, div. C, title XXXI, § 3111(c)(5), Dec. 23, 2024, 138 Stat. 2295

Section, Pub. L. 107–314, div. D, title XLII, § 4216, as added Pub. L. 112–239, div. C, title XXXI, § 3141(a), Jan. 2, 2013, 126 Stat. 2193; amended Pub. L. 113–66, div. C, title XXXI, § 3146(a)(2)(B), Dec. 26, 2013, 127 Stat. 1072; Pub. L. 116–92, div. C, title XXXI, § 3139(b)(4)(A), Dec. 20, 2019, 133 Stat. 1962, related to reports on life extension programs by the Nuclear Weapons Council.

§ 2537. Selected Acquisition Reports and independent cost estimates and reviews of certain programs and facilities

(a) Selected Acquisition Reports

(1) At the end of the first quarter of each fiscal year, the Secretary of Energy, acting through the Administrator, shall submit to the congressional defense committees a report on each nuclear weapon system undergoing life extension and each major alteration project (as defined in section 2753(a)(2) of this title) during the preceding fiscal year. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

(2) The information contained in the Selected Acquisition Report for a fiscal year for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for each fiscal-year quarter in that fiscal year for a major defense acquisition program under section 4351 of title 10 or any successor system, expressed in terms of the nuclear weapon system.

(b) Independent cost estimates and reviews

(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council the following:

(A) An independent cost estimate of the following:

(i) Each nuclear weapon system undergoing life extension at the completion of phase 6.2A or new weapon system at the completion of phase 2A, relating to design definition and cost study.

(ii) Each nuclear weapon system undergoing life extension at the completion of phase 6.3 or new weapon system at the completion of phase 3, relating to development engineering.

(iii) Each nuclear weapon system undergoing life extension at the completion of phase 6.4, relating to production engineering, and before the initiation of phase 6.5, relating to first production.

(iv) Each new weapon system at the completion of phase 4, relating to production engineering, and before the initiation of phase 5, relating to first production.

(v) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than \$500,000,000 before such facility achieves critical decision 1 and before such facility achieves critical decision 2 in the acquisition process.

(vi) Each nuclear weapons system undergoing a major alteration project (as defined in section 2753(a)(2) of this title).

(B) An independent cost review of each nuclear weapon system undergoing life extension at the completion of phase 6.2 or new weapon system at the completion of phase 2, relating to study of feasibility and down-select.

(2) Each independent cost estimate and independent cost review under paragraph (1) shall include—

(A) whether the cost baseline or the budget estimate for the period covered by the future-years nuclear security program has changed, and the rationale for any such change; and

(B) any views of the Secretary or the Administrator regarding such estimate or review.

(3) The Administrator shall review and consider the results of any independent cost estimate or independent cost review of a nuclear weapon system or a nuclear facility, as the case may be, under this subsection before entering the next phase of the development process of such system or the acquisition process of such facility.

(4) Except as otherwise specified in paragraph (1), each independent cost estimate or independent cost review of a nuclear weapon system or a nuclear facility under this subsection shall be submitted not later than 30 days after the date on which—

(A) in the case of a nuclear weapons system, such system completes a phase specified in such paragraph; or

(B) in the case of a nuclear facility, such facility achieves critical decision 1 as specified in subparagraph (A)(v) of such paragraph.

(5) Each independent cost estimate or independent cost review submitted under this subsection shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) Authority for further assessments

Upon the request of the Administrator, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct an independent cost assessment of any initiative or program of the Administration that is estimated to cost more than \$500,000,000.

(Pub. L. 107-314, div. D, title XLII, § 4217, as added Pub. L. 112-239, div. C, title XXXI, § 3162(a), Jan. 2, 2013, 126 Stat. 2204; amended Pub. L. 113-66, div. C, title XXXI, §§ 3112(b), 3146(a)(2)(C), Dec. 26, 2013, 127 Stat. 1053, 1072; Pub. L. 113-291, div. C, title XXXI, § 3114(a), (b), Dec. 19, 2014, 128 Stat. 3887, 3888; Pub. L. 114-92, div. C, title XXXI, § 3113(b)(1), (2)(A), Nov. 25, 2015, 129 Stat. 1192; Pub. L. 115-91, div. C, title XXXI, §§ 3113, 3133(d), Dec. 12, 2017, 131 Stat. 1884, 1896; Pub. L. 116-283, div. C, title XXXI, § 3111(b), Jan. 1, 2021, 134 Stat. 4377; Pub. L. 117-81, div. A, title XVII, § 1702(k)(3)(A), Dec. 27, 2021, 135 Stat. 2160; Pub. L. 117-263, div. A, title VIII, § 809(c)(1), Dec. 23, 2022, 136 Stat. 2706.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(2). Pub. L. 117-263 inserted “or any successor system,” before “expressed in terms”.

2021—Subsec. (a)(2). Pub. L. 117-81 substituted “section 4351” for “section 2432”.

Subsec. (b)(1)(A)(i). Pub. L. 116-283, § 3111(b)(1)(A)(i), substituted “phase 6.2A or new weapon system at the completion of phase 2A” for “phase 6.2A”.

Subsec. (b)(1)(A)(ii). Pub. L. 116-283, § 3111(b)(1)(A)(ii), substituted “phase 6.3 or new weapon system at the completion of phase 3” for “phase 6.3”.

Subsec. (b)(1)(A)(iv) to (vi). Pub. L. 116-283, § 3111(b)(1)(A)(iii), (iv), added cl. (iv) and redesignated former cls. (iv) and (v) as (v) and (vi), respectively.

Subsec. (b)(1)(B). Pub. L. 116-283, § 3111(b)(1)(B), substituted “phase 6.2 or new weapon system at the completion of phase 2” for “phase 6.2”.

Subsec. (b)(4)(B). Pub. L. 116-283, § 3111(b)(2), substituted “subparagraph (A)(v)” for “subparagraph (A)(iv)”.

2017—Subsec. (a)(1). Pub. L. 115-91, § 3133(d)(1), substituted “the first quarter of each fiscal year” for “each fiscal-year quarter” and “and each major” for “or a major” and inserted “during the preceding fiscal year” after “2753(a)(2) of this title”.

Subsec. (a)(2). Pub. L. 115-91, § 3133(d)(2), substituted “a fiscal year” for “a fiscal-year quarter” and “each fiscal-year quarter in that fiscal year” for “such fiscal-year quarter”.

Subsec. (b). Pub. L. 115-91, § 3113, amended subsec. (b) generally. Prior to amendment, subsec. (b) related to independent cost estimates and reviews, consisting of three pars.

2015—Pub. L. 114-92, § 3113(b)(2)(A), substituted “certain programs and facilities” for “life extension programs and new nuclear facilities” in section catchline.

Subsec. (a)(1). Pub. L. 114-92, § 3113(b)(1)(A), inserted “or a major alteration project (as defined in section 2753(a)(2) of this title)” after “life extension”.

Subsec. (b)(1)(A)(iv). Pub. L. 114-92, § 3113(b)(1)(B), added cl. (iv).

2014—Pub. L. 113-291, § 3114(b)(1), substituted “estimates and reviews of” for “estimates on” in section catchline.

Subsec. (b). Pub. L. 113-291, § 3114(b)(2)(A), inserted “and reviews” after “estimates” in heading.

Subsec. (b)(1). Pub. L. 113-291, § 3114(a)(3), struck out “an independent cost estimate of” after “Nuclear Weapons Council” in introductory provisions.

Pub. L. 113-291, § 3114(a)(1), (4), (5), inserted subpar. (A) designation and introductory provisions, redesignated former subpars. (A) to (C) as cls. (i) to (iii), respectively, of subpar. (A), and added subpar. (B).

Subsec. (b)(1)(A)(iii). Pub. L. 113-291, § 3114(a)(2), substituted “critical decision 1 and before such facility achieves critical decision 2” for “critical decision 2”.

Subsec. (b)(2), (3). Pub. L. 113-291, § 3114(b)(2)(B), inserted “or review” after “estimate”.

2013—Subsec. (b)(1). Pub. L. 113-66, § 3146(a)(2)(C), struck out “established under section 179 of title 10” after “Council” in introductory provisions.

Subsec. (b)(2). Pub. L. 113-66, § 3112(b)(1), substituted “submitted under this subsection before October 1, 2015,” for “for purposes of this subsection”.

Subsec. (b)(3). Pub. L. 113-66, § 3112(b)(2), added par. (3).

§ 2538. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile

(a) Policy

(1) In general

It is the policy of the United States—

(A) to maintain a safe, secure, effective, and reliable nuclear weapons stockpile; and

(B) as long as other nations control or actively seek to acquire nuclear weapons, to retain a credible nuclear deterrent.

(2) Nuclear weapons stockpile

It is in the security interest of the United States to sustain the United States nuclear